

ATTORNEY'S DOCKET NUMBER: 27057U

MAIL STOP PCT

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: OCTOBER ___, 2005
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPL. NUMBER: (if known): Not Yet Assigned <b>107553910</b>
INTERNATL. APPL. NUMBER: PCT/EP2004/004295	INTERNATL. FILING DATE: 23 APRIL 2004 (23.04.2004)	PRIORITY DATE CLAIMED: 23 APRIL 2003 (23.04.2003) DE
TITLE OF INVENTION: METHOD FOR PRODUCING A COMPOSITE MATERIAL THAT CAN BE USED AS A PHOTONIC CRYSTAL		
APPLICANT(S) FOR DO/EO/US: Göbbert, Christian; MEYER, Frank; NONNINGER, Ralph		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)): </p> <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ul> <p>5. <input checked="" type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>6. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) </p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> <p>7. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>8. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>9. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT article 36 (35 U.S.C. 371(c)(5)).</p>		
ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:		
<p>10. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>11. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>12. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>13. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>17. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>18. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>19. <input checked="" type="checkbox"/> Other items or information:</p> <p>TRANSMITTAL LETTER; INTERNATIONAL PUBLICATION NUMBER: WO 2004/095079 A2; INTERNATIONAL PUBLICATION DATE: 04 NOVEMBER 2004 (04.11.2004), WHICH CONSISTS OF 20 PAGES: 1 PAGE FOR THE COVER SHEET, 1 PAGE FOR THE VERIFICATION OF A TRANSLATION; 12 PAGES OF TEXTUAL SPECIFICATION, 5 PAGES OF 31 CLAIMS, 1 PAGE OF THE ABSTRACT, 0 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENT A TO BE EXAMINED; UNEXECUTED DECLARATION AND POWER OF ATTORNEY; INTERNATIONAL PUBLICATION NUMBER: WO 2004/095079 A3; INTERNATIONAL PUBLICATION DATE: 04 NOVEMBER 2004 (04.11.2004), WHICH CONSISTS OF THE INTERNATIONAL SEARCH REPORT (PCT/ISA/210); INFORMATION DISCLOSURE STATEMENT; PTO FORM-1449 WITH 9 CITED REFERENCES; COPY OF GERMAN SEARCH REPORT; COPIES OF 5 OF THE 9 CITED REFERENCES; NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT (PCT/IB/304); NOTIFICATION OF THE RECORDING OF A CHANGE (PCT/IB/306); PCT REQUEST (PCT/RO/101); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.</p>		

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U.S. APPL. NUMBER: <i>20053910</i> (If known) / Not Yet Assigned	INTERNATL. APPL. NUMBER: PCT/EP2004/004295	DATE: OCTOBER <u>21</u> , 2005	
The following fees are submitted:		CALCULATIONS	PTO USE ONLY
20. Basic National Fee ..... \$ 300.00		\$ 300.00	
21. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) ..... \$ 100.00 All other situations ..... \$ 200.00		\$ 200.00	
22. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority \$ 100.00 International Search Report prepared and provided to the Office ..... \$ 400.00 All other situations ..... \$ 500.00		\$ 400.00	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.			
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 900.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 0.00	
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE
TOTAL	30-20=	10	X \$ 50.00 \$ 500.00
INDEPENDENT	1- 3=	0	X \$ 200.00 \$ 0.00
Multiple dependent claims(s) (if applicable)		+ \$360.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =		\$ 1,400.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).		\$ - 700.00	
SUBTOTAL =		\$ 700.00	
Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +		\$ 0.00	
TOTAL NATIONAL FEE =		\$ 700.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$ 0.00	
TOTAL FEES ENCLOSED =		\$ 700.00	
		Amount to be: refunded	\$
		charged	\$

JC20 Rec'd PCT/PTO 21 OCT 2005

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U.S. APPL. NUMBER: (If known): <b>201553910</b>	INTERNATL. APPL. NUMBER: PCT/EP2004/004295	DATE: OCTOBER <u>21</u> , 2005
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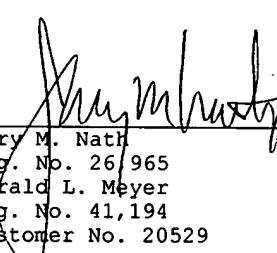
- a.  A check in the amount of \$ 700.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account Number: 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c.  The Commissioner is hereby authorized to charge any additional fees, which June be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d.  Fees are to be charged to a credit card \_\_\_\_\_. WARNING: Information on this form June become public \_\_\_\_\_. Credit Card Information should not be included on this form. \_\_\_\_\_ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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\_\_\_\_\_  
Gary M. Nath  
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Jerald L. Meyer  
Reg. No. 41,194  
Customer No. 20529

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**10/553910**

GÖBBERT, et al.

Appl. No.: Not Yet Assigned

Filed: October 21, 2005

Internat'l. Appl. No.: PCT/EP2004/004295

Internat'l. Filing Date: 23 April 2004 (23.04.2004)

Title: METHOD FOR PRODUCING A COMPOSITE MATERIAL THAT CAN BE USED AS A PHOTONIC CRYSTAL

TRANSMITTAL LETTER

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (2) International Publication Number: WO 2004/095079 A2; International Publication Date: 04 November 2004 (04.11.2004), which consists of 20 pages:
  - 1 page for the Cover Sheet,
  - 1 page for the Verification of a Translation,
  - 12 pages of Textual Specification,
  - 5 pages of 31 Claims,
  - 1 page of the Abstract,
  - 0 sheets of Drawings;
- (3) **Preliminary Amendment with Attachment A to be Examined;**
- (4) Unexecuted Declaration and Power of Attorney;
- (5) International Publication Number: WO 2004/095079 A3; International Publication Date: 04 November 2004 (04.11.2004), which consists of the International Search Report (PCT/ISA/210);
- (6) Information Disclosure Statement;
- (7) PTO Form-1449 with 9 cited references;
- (8) Copy of German Search Report;
- (9) Copies of 5 of the 9 cited references;
- (10) Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304);
- (11) Notification of the Recording of a Change (PCT/IB/306);
- (12) PCT Request (PCT/RO/101);
- (13) Check No.: 1104 in the Amount of \$ 700.00 for the Basic Filing Fee, which includes the Search and Examination Fees (450.00), and for 10 Total Claims over 20 (250.00), as a Small Entity;
- (14) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

Gary M. Nath  
 Reg. No. 26,965  
 Jerald L. Meyer  
 Reg. No. 41,194  
 Customer No. 20529

Date: October 21, 2005

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 GMN/JLM/le (Appl.NP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC20 Rec'd PCT/PTO 21 OCT 2005

Application No. :

U.S. National Serial No. :

Filed :

PCT International Application No. : PCT/EP2004/004295

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the German language in which the below identified international application was filed, and that, to the best of my knowledge and belief, the English translation of the international application No. PCT/EP2004/004295 is a true and complete translation of the above identified international application as filed.

I hereby declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application issued thereon.

Date: September 1, 2005

NS 

Full name of the translator :

Neil Thomas SIMPKIN

For and on behalf of RWS Group Ltd

Post Office Address :

Europa House, Marsham Way,  
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